

**UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK**

SAP AG and SAP AMERICA, INC.,

Plaintiffs,

v.

DATATERN, INC.,

Defendant.

Civil Action No. 11-cv-02648-KBF

NOTICE OF APPEAL

Notice is hereby given that DataTern, Inc., defendant and plaintiff-in-counterclaim in the above captioned matter, hereby appeals to the United States Court of Appeals for the Federal Circuit from the Order and Judgment entered in this action on December 26, 2012: (a) entering summary judgment in favor of Plaintiffs SAP AG and SAP America, Inc.’s (collectively “SAP”) for their declaratory judgment claim of non-infringement of U.S. Patent No. 5,937,402 (the “‘402 Patent”) and U.S. Patent No. 6,101, 502 (the “‘502 Patent”); (b) enjoining DataTern and all attorneys or other persons in active concert or participation with DataTern from directly or indirectly charging infringement or instituting any further action for infringement of the ‘402 or ‘502 Patents against SAP or any of its customers, licensees, distributors, users, or suppliers for technology purchased from SAP; and (c) denying DataTern’s motion to amend/correct.

DataTern also appeals to the United States Court of Appeals for the Federal Circuit from the Order entered on June 27, 2012 in this action entering summary judgment in favor of SAP for its declaratory judgment claim for non-infringement of the ‘402 Patent.

Furthermore, DataTern appeals to the United States Court of Appeals for the Federal Circuit from the Opinion and Order entered in this action on August 24, 2012, construing certain terms in the claims of the '402 Patent and the '502 Patent.

Finally, DataTern appeals to the United States Court of Appeals for the Federal Circuit from the Order entered in this action on February 15, 2012 denying DataTern's Motion to Dismiss or Stay.

DATATERN, INC.
By its Attorneys,

/s/ Lee Carl Bromberg

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Dated: January 24, 2013

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AFFIRMATION OF SERVICE

I, Lee Carl Bromberg, declare under the penalty of perjury that I have served a copy of the attached Notice of Appeal upon counsel of record for SAP AG and SAP America, Inc. as listed on this Court's *ECF* system, whose lead counsel: Edward Reines and Evan Budaj, have an address at Weil, Gotshal & Manges, LLP, 201 Redwood Shores Parkway, Redwood Shores, California 94065 and whose other lead counsel: Dale Heist, Aleksander Goranin, Jeffrey Lesovitz and Daniel Goettle, have an address at Woodcock Washburn, LLP, 1650 Market Street, Philadelphia, PA 19103.

January 24, 2013

/s/ Lee Carl Bromberg.

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